

Exhibit S

1 JOHN B. SULLIVAN (State Bar No. 96742)
2 EDWARD R. BUELL III (State Bar No. 240494)
3 SEVERSON & WERSON
4 A Professional Corporation
5 One Embarcadero Center, Suite 2600
6 San Francisco, CA 94111
7 Telephone: (415) 398-3344
8 Facsimile: (415) 956-0439

ENDORSED FILED
SAN MATEO COUNTY

JUL - 7 2011

Clerk of the Superior Court
By S. YAMING
DEPUTY CLERK

9 Attorneys for Defendants
10 GMAC Mortgage, LLC f/k/a GMAC
11 Mortgage Corp. and GMAC Mortgage, ETS
12 Services, LLC, HSBC Bank, U.S.A. as
13 Trustee for DALT 2007-A03, Mortgage
14 Electronic Registration Systems, Inc.
15 (erroneously named herein as Mortgage
16 Electronic Systems, Inc.)

11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF SAN MATEO

14 FERMIN SOLIS ANIEL, an individual;
15 ERLINDA ABIBAS ANIEL, an individual,,

16 Plaintiffs,

17 vs.

18 ETS SERVICES, LLC, a California Limited
19 Liability Corporation; GMAC MORTGAGE,
20 LLC F/K/A GMAC MORTGAGE
21 CORPORATION AND GMAC MORTGAGE;
22 HSBC BANK, U.S.A. as Trustee for DALT
23 2007-A03; MORTGAGE ELECTRONIC
24 SYSTEMS, INC.; PITE DUNCAN, LLP;
25 AND DOES 1-50 inclusive,

26 Defendants.

Case No.: CIV 502857

NOTICE OF ENTRY OF ORDER

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

25 PLEASE TAKE NOTICE that the above-captioned court issued the attached Order
26 sustaining Defendants GMAC Mortgage, LLC f/k/a GMAC Mortgage Corp. and GMAC
27 Mortgage, ETS Services, LLC, HSBC Bank, U.S.A. as Trustee for DALT 2007-A03, Mortgage
28

1 Electronic Registration Systems, Inc. (erroneously named herein as Mortgage Electronic Systems,
2 Inc.) demurrer without leave to amend which was entered on June 30, 2011.

3 A true and correct copy of the Order is attached hereto as Exhibit A.

4 DATED: July 6, 2011

SEVERSON & WERSON
A Professional Corporation

6 By: 
7 Brian S. Whittemore

8 Attorneys for Defendants
9 GMAC Mortgage, LLC f/k/a GMAC Mortgage
10 Corp. and GMAC Mortgage, ETS Services,
11 LLC, HSBC Bank, U.S.A. as Trustee for DALT
2007-A03, Mortgage Electronic Registration
Systems, Inc. (erroneously named herein as
Mortgage Electronic Systems, Inc.)

EXHIBIT A

1 JOHN B. SULLIVAN (State Bar No. 96742)
EDWARD R. BUELL III (State Bar No. 240494)
2 BRIAN S. WHITTEMORE (State Bar No. 241631)
SEVERSON & WERSON
3 A Professional Corporation
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4 San Francisco, CA 94111
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5 Facsimile: (415) 956-0439

ENDORSED FILED
SAN MATEO COUNTY

JUN 9 0 2011

Clerk of the Superior Court
By P. Alvarez
DEPUTY CLERK

6 Attorneys for Defendants
GMAC Mortgage, LLC f/k/a GMAC
7 Mortgage Corp. and GMAC Mortgage, ETS
Services, LLC, HSBC Bank, U.S.A. as
8 Trustee for DALT 2007-A03, Mortgage
Electronic Registration Systems, Inc.
9 (erroneously named herein as Mortgage
Electronic Systems, Inc.)

10
11
12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF SAN MATEO
14

15 FERMIN SOLIS ANIEL, an individual;
16 ERLINDA ABIBAS ANIEL, an individual,,

17 Plaintiffs,

18 vs.

19 ETS SERVICES, LLC, a California Limited
Liability Corporation; GMAC MORTGAGE,
20 LLC F/K/A GMAC MORTGAGE
CORPORATION AND GMAC MORTGAGE;
21 HSBC BANK, U.S.A. as Trustee for DALT
2007-A03; MORTGAGE ELECTRONIC
22 SYSTEMS, INC.; PITE DUNCAN, LLP;
AND DOES 1-50 inclusive,
23

24 Defendants.
25

Case No.: CIV 502857

**[PROPOSED] ORDER SUSTAINING
DEMURRER TO PLAINTIFFS'
COMPLAINT WITHOUT LEAVE TO
AMEND**

Hearing Date: June 9, 2011
Time: 9:00 a.m.
Dept.: Law and Motion
Judge: Hon. Joseph C. Scott

26 Defendants GMAC Mortgage, LLC f/k/a GMAC Mortgage Corp. and GMAC Mortgage,
27 ETS Services, LLC, HSBC Bank, U.S.A. as Trustee for DALT 2007-A03, Mortgage Electronic
28

1 Registration Systems, Inc.. ("Moving Defendants") filed a demurrer to Plaintiffs Fermin Solis
2 Aniel and Erlinda Abibas Aniel's Complaint on June 9, 2011 (the "Demurrer").

3 The Demurrer came on regularly for hearing on June 9, 2011, at 9:00 a.m, before this
4 Court in the Law and Motion Department, the Honorable Joseph C. Scott, presiding. Brian S.
5 Whittemore appeared on behalf of Moving Defendants. Plaintiff Erlinda A. Aniel appeared on
6 behalf of Plaintiffs.

7 After full consideration of the written submissions of the parties, all other matters
8 presented to the Court, and good cause appearing,

9 **IT IS HEREBY ORDERED** that the Demurrer to the Complaint is sustained as to all
10 causes of action without leave to amend as to all causes of action on the grounds that Plaintiffs
11 lack standing. (*County of Fresno v. Shelton* (1998) 66 Cal.App.4th 996, 1009.) The allegations
12 of the Complaint admit that Plaintiffs' names did not appear on the promissory note or Deed of
13 Trust at any point during the time the complained-of activities took place.

14 Moving Defendants' Request for Judicial Notice is GRANTED insofar as the documents
15 for which judicial notice is sought were recorded in the Official Records of the County of San
16 Mateo or filed in the United States Bankruptcy Court, but not as to the truth of any matters
17 asserted therein.

18 **IT IS SO ORDERED.**

19
20 JUN 20 2011

21 DATED: _____, 2011

22 **JOSEPH C. SCOTT**

23 _____
Judge of the Superior Court

24
25 Approved as to form:

26
27 By: 

28 Erlinda Aniel
Plaintiff in Pro Per

1 **PROOF OF SERVICE**

2 Aniel vs. ETS Services, et al.

3 San Mateo County Superior Court Case No. CIV 502857

4 I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I
5 am employed in the City of San Francisco, California; my business address is Severson &
6 Werson, One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

7 On the date below I served a copy, with all exhibits, of the following document(s):

8 **NOTICE OF ENTRY OF ORDER (SUSTAINING DEMURRER)**

9 on all interested parties in said case addressed as follows:

10 Fermin Solis Aniel
11 Erlinda Abibas Aniel
12 75 Tobin Clark Drive
Hillsborough, CA 94010

In Pro Per

Tel: 650-284-6417
Fax: 650-571-5829

Peter J. Salmon
Pite Duncan LLP
4375 Jutland Drive, Suite 200
San Diego, CA 92117

Attorneys for Defendant Pite Duncan LLP

Tel: (858) 750-7600
Fax: (619) 590-1385
e-mail: psalmon@piteduncan.com

13 ☒ **(BY MAIL)** By placing the envelope for collection and mailing following our ordinary business practices. I
14 am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same
15 day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with
16 the United States Postal Service in San Francisco, California in sealed envelopes with postage fully prepaid.

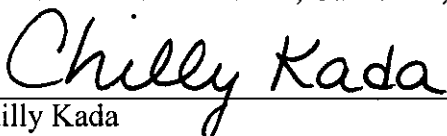
17 ☐ **(BY HAND)** By placing the documents in an envelope or package addressed to the persons listed above and
18 providing them to a professional messenger service for delivery.

19 ☐ **(BY FEDERAL EXPRESS)** By depositing copies of the above documents in a box or other facility
20 regularly maintained by Federal Express with delivery fees paid or provided for.

21 ☐ **(BY FAX)** By use of facsimile machine telephone number (415) 956-0439, I faxed a true copy to the
22 addressee(s) listed above at the facsimile number(s) noted after the party's address. The transmission was reported as
23 complete and without error. The attached transmission report, which sets forth the date and time for the transmission,
24 was properly issued by the transmitting facsimile machine.

25 ☐ **(BY ELECTRONIC TRANSMISSION)** By sending a file of the above document(s) via electronic
26 transmission (e-mail) at _____ a.m./p.m. using e-mail address (____@severson.com) to the e-mail address
27 designated for each party identified above. I did not receive, within a reasonable time after the transmission, any
28 electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. This declaration is executed in San Francisco, California, on
July 6, 2011.


Chilly Kada